

REMARKS

Claims 6-12 are pending in the subject application. Claims 1, 4, 5, 13 and 16-18 are cancelled, without prejudice, herein.

Reconsideration and withdrawal of the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is believed to be in condition for allowance.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Applicants respectfully thank the Examiner for withdrawing the rejections under 35 U.S.C. 102(b) and for finding the Claims 6-12 allowable.

Rejections under 35 U.S.C. § 112, First Paragraph

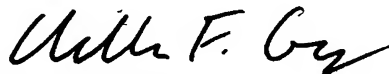
Claims 1, 4-5, 13, and 16-18 stand rejected as allegedly failing to enable “the instant compound to alter the gene expression and therefore to treat any and all known or unknown diseases.” Claim 18 also stands rejected as failing to provide enablement for preventing diseases.

Although Applicants strongly disagree with the Examiner's allegation that the specification is viewed as lacking enablement for the treatment or prevention of any of the diseases recited, claims 1, 4, 5, 13 and 16-18 have been cancelled, solely to expedite the prosecution of the present application, and without prejudice to Applicants' right to pursue them in one or more continuation, divisional or continuation-in-part applications. Applicants respectfully submit that the rejection must be withdrawn.

CONCLUSION

In view of the amendments and remarks made herein, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested. Please charge any required fee or credit any overpayment to Deposit Account No. 041105.

Respectfully submitted,



Date: August 17, 2007

William F. Gray, Esq.
Attorney for Applicant(s)
Reg. No. 31,018
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516-4175
Phone (203) 812-2712

By:



Nicholas J. DiCeglie, Jr.
Agent for Applicants
Registration No.: 51,615
EDWARDS ANGELL PALMER &
DODGE LLP
P.O. Box 55874
Boston, MA 02205
Telephone: 203-975-7505
Facsimile: 203-975-7180